



Rep. Arthur Turner

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1 AMENDMENT TO SENATE BILL 978

2 AMENDMENT NO. _____. Amend Senate Bill 978 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Records Act is amended by changing
5 Section 3 as follows:

6 (5 ILCS 160/3) (from Ch. 116, par. 43.6)

7 Sec. 3. Records as property of State.

8 (a) All records created or received by or under the
9 authority of or coming into the custody, control, or possession
10 of public officials of this State in the course of their public
11 duties are the property of the State. These records may not be
12 mutilated, destroyed, transferred, removed, or otherwise
13 damaged or disposed of, in whole or in part, except as provided
14 by law. Any person shall have the right of access to any public
15 records, unless access to the records is otherwise limited or
16 prohibited by law. This subsection (a) does not apply to

1 records that are subject to expungement under subsections (1.5)
2 and (1.6) of Section 5-915 of the Juvenile Court Act of 1987.

3 (b) Reports and records of the obligation, receipt and use
4 of public funds of the State are public records available for
5 inspection by the public, except as access to such records is
6 otherwise limited or prohibited by law or pursuant to law.
7 These records shall be kept at the official place of business
8 of the State or at a designated place of business of the State.
9 These records shall be available for public inspection during
10 regular office hours except when in immediate use by persons
11 exercising official duties which require the use of those
12 records. Nothing in this section shall require the State to
13 invade or assist in the invasion of any person's right to
14 privacy. Nothing in this Section shall be construed to limit
15 any right given by statute or rule of law with respect to the
16 inspection of other types of records.

17 Warrants and vouchers in the keeping of the State
18 Comptroller may be destroyed by him as authorized in "An Act in
19 relation to the reproduction and destruction of records kept by
20 the Comptroller", approved August 1, 1949, as now or hereafter
21 amended after obtaining the approval of the State Records
22 Commission.

23 (Source: P.A. 92-866, eff. 1-3-03.)

24 Section 10. The Criminal Identification Act is amended by
25 changing Section 5.2 as follows:

1 (20 ILCS 2630/5.2)

2 Sec. 5.2. Expungement and sealing.

3 (a) General Provisions.

4 (1) Definitions. In this Act, words and phrases have
5 the meanings set forth in this subsection, except when a
6 particular context clearly requires a different meaning.

7 (A) The following terms shall have the meanings
8 ascribed to them in the Unified Code of Corrections,
9 730 ILCS 5/5-1-2 through 5/5-1-22:

10 (i) Business Offense (730 ILCS 5/5-1-2),

11 (ii) Charge (730 ILCS 5/5-1-3),

12 (iii) Court (730 ILCS 5/5-1-6),

13 (iv) Defendant (730 ILCS 5/5-1-7),

14 (v) Felony (730 ILCS 5/5-1-9),

15 (vi) Imprisonment (730 ILCS 5/5-1-10),

16 (vii) Judgment (730 ILCS 5/5-1-12),

17 (viii) Misdemeanor (730 ILCS 5/5-1-14),

18 (ix) Offense (730 ILCS 5/5-1-15),

19 (x) Parole (730 ILCS 5/5-1-16),

20 (xi) Petty Offense (730 ILCS 5/5-1-17),

21 (xii) Probation (730 ILCS 5/5-1-18),

22 (xiii) Sentence (730 ILCS 5/5-1-19),

23 (xiv) Supervision (730 ILCS 5/5-1-21), and

24 (xv) Victim (730 ILCS 5/5-1-22).

25 (B) As used in this Section, "charge not initiated

1 by arrest" means a charge (as defined by 730 ILCS
2 5/5-1-3) brought against a defendant where the
3 defendant is not arrested prior to or as a direct
4 result of the charge.

5 (C) "Conviction" means a judgment of conviction or
6 sentence entered upon a plea of guilty or upon a
7 verdict or finding of guilty of an offense, rendered by
8 a legally constituted jury or by a court of competent
9 jurisdiction authorized to try the case without a jury.
10 An order of supervision successfully completed by the
11 petitioner is not a conviction. An order of qualified
12 probation (as defined in subsection (a)(1)(J))
13 successfully completed by the petitioner is not a
14 conviction. An order of supervision or an order of
15 qualified probation that is terminated
16 unsatisfactorily is a conviction, unless the
17 unsatisfactory termination is reversed, vacated, or
18 modified and the judgment of conviction, if any, is
19 reversed or vacated.

20 (D) "Criminal offense" means a petty offense,
21 business offense, misdemeanor, felony, or municipal
22 ordinance violation (as defined in subsection
23 (a)(1)(H)). As used in this Section, a minor traffic
24 offense (as defined in subsection (a)(1)(G)) shall not
25 be considered a criminal offense.

26 (E) "Expunge" means to physically destroy the

1 records or return them to the petitioner and to
2 obliterate the petitioner's name from any official
3 index or public record, or both. Nothing in this Act
4 shall require the physical destruction of the circuit
5 court file, but such records relating to arrests or
6 charges, or both, ordered expunged shall be impounded
7 as required by subsections (d)(9)(A)(ii) and
8 (d)(9)(B)(ii).

9 (F) As used in this Section, "last sentence" means
10 the sentence, order of supervision, or order of
11 qualified probation (as defined by subsection
12 (a)(1)(J)), for a criminal offense (as defined by
13 subsection (a)(1)(D)) that terminates last in time in
14 any jurisdiction, regardless of whether the petitioner
15 has included the criminal offense for which the
16 sentence or order of supervision or qualified
17 probation was imposed in his or her petition. If
18 multiple sentences, orders of supervision, or orders
19 of qualified probation terminate on the same day and
20 are last in time, they shall be collectively considered
21 the "last sentence" regardless of whether they were
22 ordered to run concurrently.

23 (G) "Minor traffic offense" means a petty offense,
24 business offense, or Class C misdemeanor under the
25 Illinois Vehicle Code or a similar provision of a
26 municipal or local ordinance.

1 (H) "Municipal ordinance violation" means an
2 offense defined by a municipal or local ordinance that
3 is criminal in nature and with which the petitioner was
4 charged or for which the petitioner was arrested and
5 released without charging.

6 (I) "Petitioner" means an adult or a minor
7 prosecuted as an adult who has applied for relief under
8 this Section.

9 (J) "Qualified probation" means an order of
10 probation under Section 10 of the Cannabis Control Act,
11 Section 410 of the Illinois Controlled Substances Act,
12 Section 70 of the Methamphetamine Control and
13 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
14 of the Unified Code of Corrections, Section
15 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as
16 those provisions existed before their deletion by
17 Public Act 89-313), Section 10-102 of the Illinois
18 Alcoholism and Other Drug Dependency Act, Section
19 40-10 of the Alcoholism and Other Drug Abuse and
20 Dependency Act, or Section 10 of the Steroid Control
21 Act. For the purpose of this Section, "successful
22 completion" of an order of qualified probation under
23 Section 10-102 of the Illinois Alcoholism and Other
24 Drug Dependency Act and Section 40-10 of the Alcoholism
25 and Other Drug Abuse and Dependency Act means that the
26 probation was terminated satisfactorily and the

1 judgment of conviction was vacated.

2 (K) "Seal" means to physically and electronically
3 maintain the records, unless the records would
4 otherwise be destroyed due to age, but to make the
5 records unavailable without a court order, subject to
6 the exceptions in Sections 12 and 13 of this Act. The
7 petitioner's name shall also be obliterated from the
8 official index required to be kept by the circuit court
9 clerk under Section 16 of the Clerks of Courts Act, but
10 any index issued by the circuit court clerk before the
11 entry of the order to seal shall not be affected.

12 (L) "Sexual offense committed against a minor"
13 includes but is not limited to the offenses of indecent
14 solicitation of a child or criminal sexual abuse when
15 the victim of such offense is under 18 years of age.

16 (M) "Terminate" as it relates to a sentence or
17 order of supervision or qualified probation includes
18 either satisfactory or unsatisfactory termination of
19 the sentence, unless otherwise specified in this
20 Section.

21 (2) Minor Traffic Offenses. Orders of supervision or
22 convictions for minor traffic offenses shall not affect a
23 petitioner's eligibility to expunge or seal records
24 pursuant to this Section.

25 (3) Exclusions. Except as otherwise provided in
26 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)

1 of this Section, the court shall not order:

2 (A) the sealing or expungement of the records of
3 arrests or charges not initiated by arrest that result
4 in an order of supervision for or conviction of: (i)
5 any sexual offense committed against a minor; (ii)
6 Section 11-501 of the Illinois Vehicle Code or a
7 similar provision of a local ordinance; or (iii)
8 Section 11-503 of the Illinois Vehicle Code or a
9 similar provision of a local ordinance, unless the
10 arrest or charge is for a misdemeanor violation of
11 subsection (a) of Section 11-503 or a similar provision
12 of a local ordinance, that occurred prior to the
13 offender reaching the age of 25 years and the offender
14 has no other conviction for violating Section 11-501 or
15 11-503 of the Illinois Vehicle Code or a similar
16 provision of a local ordinance.

17 (B) the sealing or expungement of records of minor
18 traffic offenses (as defined in subsection (a)(1)(G)),
19 unless the petitioner was arrested and released
20 without charging.

21 (C) the sealing of the records of arrests or
22 charges not initiated by arrest which result in an
23 order of supervision, an order of qualified probation
24 (as defined in subsection (a)(1)(J)), or a conviction
25 for the following offenses:

26 (i) offenses included in Article 11 of the

1 Criminal Code of 1961 or the Criminal Code of 2012
2 or a similar provision of a local ordinance, except
3 Section 11-14 of the Criminal Code of 1961 or the
4 Criminal Code of 2012, or a similar provision of a
5 local ordinance;

6 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
7 26-5, or 48-1 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, or a similar provision of a
9 local ordinance;

10 (iii) offenses defined as "crimes of violence"
11 in Section 2 of the Crime Victims Compensation Act
12 or a similar provision of a local ordinance;

13 (iv) offenses which are Class A misdemeanors
14 under the Humane Care for Animals Act; or

15 (v) any offense or attempted offense that
16 would subject a person to registration under the
17 Sex Offender Registration Act.

18 (D) the sealing of the records of an arrest which
19 results in the petitioner being charged with a felony
20 offense or records of a charge not initiated by arrest
21 for a felony offense unless:

22 (i) the charge is amended to a misdemeanor and
23 is otherwise eligible to be sealed pursuant to
24 subsection (c);

25 (ii) the charge is brought along with another
26 charge as a part of one case and the charge results

1 in acquittal, dismissal, or conviction when the
2 conviction was reversed or vacated, and another
3 charge brought in the same case results in a
4 disposition for a misdemeanor offense that is
5 eligible to be sealed pursuant to subsection (c) or
6 a disposition listed in paragraph (i), (iii), or
7 (iv) of this subsection;

8 (iii) the charge results in first offender
9 probation as set forth in subsection (c) (2) (E);

10 (iv) the charge is for a felony offense listed
11 in subsection (c) (2) (F) or the charge is amended to
12 a felony offense listed in subsection (c) (2) (F);

13 (v) the charge results in acquittal,
14 dismissal, or the petitioner's release without
15 conviction; or

16 (vi) the charge results in a conviction, but
17 the conviction was reversed or vacated.

18 (b) Expungement.

19 (1) A petitioner may petition the circuit court to
20 expunge the records of his or her arrests and charges not
21 initiated by arrest when:

22 (A) He or she has never been convicted of a
23 criminal offense; and

24 (B) Each arrest or charge not initiated by arrest
25 sought to be expunged resulted in: (i) acquittal,
26 dismissal, or the petitioner's release without

1 charging, unless excluded by subsection (a)(3)(B);
2 (ii) a conviction which was vacated or reversed, unless
3 excluded by subsection (a)(3)(B); (iii) an order of
4 supervision and such supervision was successfully
5 completed by the petitioner, unless excluded by
6 subsection (a)(3)(A) or (a)(3)(B); or (iv) an order of
7 qualified probation (as defined in subsection
8 (a)(1)(J)) and such probation was successfully
9 completed by the petitioner.

10 (2) Time frame for filing a petition to expunge.

11 (A) When the arrest or charge not initiated by
12 arrest sought to be expunged resulted in an acquittal,
13 dismissal, the petitioner's release without charging,
14 or the reversal or vacation of a conviction, there is
15 no waiting period to petition for the expungement of
16 such records.

17 (B) When the arrest or charge not initiated by
18 arrest sought to be expunged resulted in an order of
19 supervision, successfully completed by the petitioner,
20 the following time frames will apply:

21 (i) Those arrests or charges that resulted in
22 orders of supervision under Section 3-707, 3-708,
23 3-710, or 5-401.3 of the Illinois Vehicle Code or a
24 similar provision of a local ordinance, or under
25 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
26 Code of 1961 or the Criminal Code of 2012, or a

1 similar provision of a local ordinance, shall not
2 be eligible for expungement until 5 years have
3 passed following the satisfactory termination of
4 the supervision.

5 (i-5) Those arrests or charges that resulted
6 in orders of supervision for a misdemeanor
7 violation of subsection (a) of Section 11-503 of
8 the Illinois Vehicle Code or a similar provision of
9 a local ordinance, that occurred prior to the
10 offender reaching the age of 25 years and the
11 offender has no other conviction for violating
12 Section 11-501 or 11-503 of the Illinois Vehicle
13 Code or a similar provision of a local ordinance
14 shall not be eligible for expungement until the
15 petitioner has reached the age of 25 years.

16 (ii) Those arrests or charges that resulted in
17 orders of supervision for any other offenses shall
18 not be eligible for expungement until 2 years have
19 passed following the satisfactory termination of
20 the supervision.

21 (C) When the arrest or charge not initiated by
22 arrest sought to be expunged resulted in an order of
23 qualified probation, successfully completed by the
24 petitioner, such records shall not be eligible for
25 expungement until 5 years have passed following the
26 satisfactory termination of the probation.

1 (3) Those records maintained by the Department for
2 persons arrested prior to their 17th birthday shall be
3 expunged as provided in Section 5-915 of the Juvenile Court
4 Act of 1987.

5 (4) Whenever a person has been arrested for or
6 convicted of any offense, in the name of a person whose
7 identity he or she has stolen or otherwise come into
8 possession of, the aggrieved person from whom the identity
9 was stolen or otherwise obtained without authorization,
10 upon learning of the person having been arrested using his
11 or her identity, may, upon verified petition to the chief
12 judge of the circuit wherein the arrest was made, have a
13 court order entered nunc pro tunc by the Chief Judge to
14 correct the arrest record, conviction record, if any, and
15 all official records of the arresting authority, the
16 Department, other criminal justice agencies, the
17 prosecutor, and the trial court concerning such arrest, if
18 any, by removing his or her name from all such records in
19 connection with the arrest and conviction, if any, and by
20 inserting in the records the name of the offender, if known
21 or ascertainable, in lieu of the aggrieved's name. The
22 records of the circuit court clerk shall be sealed until
23 further order of the court upon good cause shown and the
24 name of the aggrieved person obliterated on the official
25 index required to be kept by the circuit court clerk under
26 Section 16 of the Clerks of Courts Act, but the order shall

1 not affect any index issued by the circuit court clerk
2 before the entry of the order. Nothing in this Section
3 shall limit the Department of State Police or other
4 criminal justice agencies or prosecutors from listing
5 under an offender's name the false names he or she has
6 used.

7 (5) Whenever a person has been convicted of criminal
8 sexual assault, aggravated criminal sexual assault,
9 predatory criminal sexual assault of a child, criminal
10 sexual abuse, or aggravated criminal sexual abuse, the
11 victim of that offense may request that the State's
12 Attorney of the county in which the conviction occurred
13 file a verified petition with the presiding trial judge at
14 the petitioner's trial to have a court order entered to
15 seal the records of the circuit court clerk in connection
16 with the proceedings of the trial court concerning that
17 offense. However, the records of the arresting authority
18 and the Department of State Police concerning the offense
19 shall not be sealed. The court, upon good cause shown,
20 shall make the records of the circuit court clerk in
21 connection with the proceedings of the trial court
22 concerning the offense available for public inspection.

23 (6) If a conviction has been set aside on direct review
24 or on collateral attack and the court determines by clear
25 and convincing evidence that the petitioner was factually
26 innocent of the charge, the court that finds the petitioner

1 factually innocent of the charge shall enter an expungement
2 order for the conviction for which the petitioner has been
3 determined to be innocent as provided in subsection (b) of
4 Section 5-5-4 of the Unified Code of Corrections.

5 (7) Nothing in this Section shall prevent the
6 Department of State Police from maintaining all records of
7 any person who is admitted to probation upon terms and
8 conditions and who fulfills those terms and conditions
9 pursuant to Section 10 of the Cannabis Control Act, Section
10 410 of the Illinois Controlled Substances Act, Section 70
11 of the Methamphetamine Control and Community Protection
12 Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
13 Corrections, Section 12-4.3 or subdivision (b)(1) of
14 Section 12-3.05 of the Criminal Code of 1961 or the
15 Criminal Code of 2012, Section 10-102 of the Illinois
16 Alcoholism and Other Drug Dependency Act, Section 40-10 of
17 the Alcoholism and Other Drug Abuse and Dependency Act, or
18 Section 10 of the Steroid Control Act.

19 (8) If the petitioner has been granted a certificate of
20 innocence under Section 2-702 of the Code of Civil
21 Procedure, the court that grants the certificate of
22 innocence shall also enter an order expunging the
23 conviction for which the petitioner has been determined to
24 be innocent as provided in subsection (h) of Section 2-702
25 of the Code of Civil Procedure.

26 (c) Sealing.

1 (1) Applicability. Notwithstanding any other provision
2 of this Act to the contrary, and cumulative with any rights
3 to expungement of criminal records, this subsection
4 authorizes the sealing of criminal records of adults and of
5 minors prosecuted as adults.

6 (2) Eligible Records. The following records may be
7 sealed:

8 (A) All arrests resulting in release without
9 charging;

10 (B) Arrests or charges not initiated by arrest
11 resulting in acquittal, dismissal, or conviction when
12 the conviction was reversed or vacated, except as
13 excluded by subsection (a) (3) (B);

14 (C) Arrests or charges not initiated by arrest
15 resulting in orders of supervision successfully
16 completed by the petitioner, unless excluded by
17 subsection (a) (3);

18 (D) Arrests or charges not initiated by arrest
19 resulting in convictions unless excluded by subsection
20 (a) (3);

21 (E) Arrests or charges not initiated by arrest
22 resulting in orders of first offender probation under
23 Section 10 of the Cannabis Control Act, Section 410 of
24 the Illinois Controlled Substances Act, Section 70 of
25 the Methamphetamine Control and Community Protection
26 Act, or Section 5-6-3.3 of the Unified Code of

1 Corrections; and

2 (F) Arrests or charges not initiated by arrest
3 resulting in felony convictions for the following
4 offenses:

5 (i) Class 4 felony convictions for:

6 Prostitution under Section 11-14 of the
7 Criminal Code of 1961 or the Criminal Code of
8 2012.

9 Possession of cannabis under Section 4 of
10 the Cannabis Control Act.

11 Possession of a controlled substance under
12 Section 402 of the Illinois Controlled
13 Substances Act.

14 Offenses under the Methamphetamine
15 Precursor Control Act.

16 Offenses under the Steroid Control Act.

17 Theft under Section 16-1 of the Criminal
18 Code of 1961 or the Criminal Code of 2012.

19 Retail theft under Section 16A-3 or
20 paragraph (a) of 16-25 of the Criminal Code of
21 1961 or the Criminal Code of 2012.

22 Deceptive practices under Section 17-1 of
23 the Criminal Code of 1961 or the Criminal Code
24 of 2012.

25 Forgery under Section 17-3 of the Criminal
26 Code of 1961 or the Criminal Code of 2012.

1 Possession of burglary tools under Section
2 19-2 of the Criminal Code of 1961 or the
3 Criminal Code of 2012.

4 (ii) Class 3 felony convictions for:

5 Theft under Section 16-1 of the Criminal
6 Code of 1961 or the Criminal Code of 2012.

7 Retail theft under Section 16A-3 or
8 paragraph (a) of 16-25 of the Criminal Code of
9 1961 or the Criminal Code of 2012.

10 Deceptive practices under Section 17-1 of
11 the Criminal Code of 1961 or the Criminal Code
12 of 2012.

13 Forgery under Section 17-3 of the Criminal
14 Code of 1961 or the Criminal Code of 2012.

15 Possession with intent to manufacture or
16 deliver a controlled substance under Section
17 401 of the Illinois Controlled Substances Act.

18 (3) When Records Are Eligible to Be Sealed. Records
19 identified as eligible under subsection (c)(2) may be
20 sealed as follows:

21 (A) Records identified as eligible under
22 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any
23 time.

24 (B) Records identified as eligible under
25 subsection (c)(2)(C) may be sealed (i) 3 years after
26 the termination of petitioner's last sentence (as

1 defined in subsection (a)(1)(F)) if the petitioner has
2 never been convicted of a criminal offense (as defined
3 in subsection (a)(1)(D)); or (ii) 4 years after the
4 termination of the petitioner's last sentence (as
5 defined in subsection (a)(1)(F)) if the petitioner has
6 ever been convicted of a criminal offense (as defined
7 in subsection (a)(1)(D)).

8 (C) Records identified as eligible under
9 subsections (c)(2)(D), (c)(2)(E), and (c)(2)(F) may be
10 sealed 4 years after the termination of the
11 petitioner's last sentence (as defined in subsection
12 (a)(1)(F)).

13 (D) Records identified in subsection
14 (a)(3)(A)(iii) may be sealed after the petitioner has
15 reached the age of 25 years.

16 (4) Subsequent felony convictions. A person may not
17 have subsequent felony conviction records sealed as
18 provided in this subsection (c) if he or she is convicted
19 of any felony offense after the date of the sealing of
20 prior felony convictions as provided in this subsection
21 (c). The court may, upon conviction for a subsequent felony
22 offense, order the unsealing of prior felony conviction
23 records previously ordered sealed by the court.

24 (5) Notice of eligibility for sealing. Upon entry of a
25 disposition for an eligible record under this subsection
26 (c), the petitioner shall be informed by the court of the

1 right to have the records sealed and the procedures for the
2 sealing of the records.

3 (d) Procedure. The following procedures apply to
4 expungement under subsections (b), (e), and (e-6) and sealing
5 under subsections (c) and (e-5):

6 (1) Filing the petition. Upon becoming eligible to
7 petition for the expungement or sealing of records under
8 this Section, the petitioner shall file a petition
9 requesting the expungement or sealing of records with the
10 clerk of the court where the arrests occurred or the
11 charges were brought, or both. If arrests occurred or
12 charges were brought in multiple jurisdictions, a petition
13 must be filed in each such jurisdiction. The petitioner
14 shall pay the applicable fee, if not waived.

15 (2) Contents of petition. The petition shall be
16 verified and shall contain the petitioner's name, date of
17 birth, current address and, for each arrest or charge not
18 initiated by arrest sought to be sealed or expunged, the
19 case number, the date of arrest (if any), the identity of
20 the arresting authority, and such other information as the
21 court may require. During the pendency of the proceeding,
22 the petitioner shall promptly notify the circuit court
23 clerk of any change of his or her address. If the
24 petitioner has received a certificate of eligibility for
25 sealing from the Prisoner Review Board under paragraph (10)
26 of subsection (a) of Section 3-3-2 of the Unified Code of

1 Corrections, the certificate shall be attached to the
2 petition.

3 (3) Drug test. The petitioner must attach to the
4 petition proof that the petitioner has passed a test taken
5 within 30 days before the filing of the petition showing
6 the absence within his or her body of all illegal
7 substances as defined by the Illinois Controlled
8 Substances Act, the Methamphetamine Control and Community
9 Protection Act, and the Cannabis Control Act if he or she
10 is petitioning to:

11 (A) seal felony records under clause (c) (2) (E);

12 (B) seal felony records for a violation of the
13 Illinois Controlled Substances Act, the
14 Methamphetamine Control and Community Protection Act,
15 or the Cannabis Control Act under clause (c) (2) (F);

16 (C) seal felony records under subsection (e-5); or

17 (D) expunge felony records of a qualified
18 probation under clause (b) (1) (B) (iv).

19 (4) Service of petition. The circuit court clerk shall
20 promptly serve a copy of the petition and documentation to
21 support the petition under subsection ~~(e)~~, (e-5), or (e-6)
22 on the State's Attorney or prosecutor charged with the duty
23 of prosecuting the offense, the Department of State Police,
24 the arresting agency and the chief legal officer of the
25 unit of local government effecting the arrest.

26 (5) Objections.

1 (A) Any party entitled to notice of the petition
2 may file an objection to the petition. All objections
3 shall be in writing, shall be filed with the circuit
4 court clerk, and shall state with specificity the basis
5 of the objection. Whenever a person who has been
6 convicted of an offense is granted a pardon by the
7 Governor which specifically authorizes expungement, an
8 objection to the petition may not be filed.

9 (B) Objections to a petition to expunge or seal
10 must be filed within 60 days of the date of service of
11 the petition.

12 (6) Entry of order.

13 (A) The Chief Judge of the circuit wherein the
14 charge was brought, any judge of that circuit
15 designated by the Chief Judge, or in counties of less
16 than 3,000,000 inhabitants, the presiding trial judge
17 at the petitioner's trial, if any, shall rule on the
18 petition to expunge or seal as set forth in this
19 subsection (d) (6).

20 (B) Unless the State's Attorney or prosecutor, the
21 Department of State Police, the arresting agency, or
22 the chief legal officer files an objection to the
23 petition to expunge or seal within 60 days from the
24 date of service of the petition, the court shall enter
25 an order granting or denying the petition.

26 (7) Hearings. If an objection is filed, the court shall

1 set a date for a hearing and notify the petitioner and all
2 parties entitled to notice of the petition of the hearing
3 date at least 30 days prior to the hearing. Prior to the
4 hearing, the State's Attorney shall consult with the
5 Department as to the appropriateness of the relief sought
6 in the petition to expunge or seal. At the hearing, the
7 court shall hear evidence on whether the petition should or
8 should not be granted, and shall grant or deny the petition
9 to expunge or seal the records based on the evidence
10 presented at the hearing. The court may consider the
11 following:

12 (A) the strength of the evidence supporting the
13 defendant's conviction;

14 (B) the reasons for retention of the conviction
15 records by the State;

16 (C) the petitioner's age, criminal record history,
17 and employment history;

18 (D) the period of time between the petitioner's
19 arrest on the charge resulting in the conviction and
20 the filing of the petition under this Section; and

21 (E) the specific adverse consequences the
22 petitioner may be subject to if the petition is denied.

23 (8) Service of order. After entering an order to
24 expunge or seal records, the court must provide copies of
25 the order to the Department, in a form and manner
26 prescribed by the Department, to the petitioner, to the

1 State's Attorney or prosecutor charged with the duty of
2 prosecuting the offense, to the arresting agency, to the
3 chief legal officer of the unit of local government
4 effecting the arrest, and to such other criminal justice
5 agencies as may be ordered by the court.

6 (9) Implementation of order.

7 (A) Upon entry of an order to expunge records
8 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

9 (i) the records shall be expunged (as defined
10 in subsection (a) (1) (E)) by the arresting agency,
11 the Department, and any other agency as ordered by
12 the court, within 60 days of the date of service of
13 the order, unless a motion to vacate, modify, or
14 reconsider the order is filed pursuant to
15 paragraph (12) of subsection (d) of this Section;

16 (ii) the records of the circuit court clerk
17 shall be impounded until further order of the court
18 upon good cause shown and the name of the
19 petitioner obliterated on the official index
20 required to be kept by the circuit court clerk
21 under Section 16 of the Clerks of Courts Act, but
22 the order shall not affect any index issued by the
23 circuit court clerk before the entry of the order;
24 and

25 (iii) in response to an inquiry for expunged
26 records, the court, the Department, or the agency

1 receiving such inquiry, shall reply as it does in
2 response to inquiries when no records ever
3 existed.

4 (B) Upon entry of an order to expunge records
5 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

6 (i) the records shall be expunged (as defined
7 in subsection (a) (1) (E)) by the arresting agency
8 and any other agency as ordered by the court,
9 within 60 days of the date of service of the order,
10 unless a motion to vacate, modify, or reconsider
11 the order is filed pursuant to paragraph (12) of
12 subsection (d) of this Section;

13 (ii) the records of the circuit court clerk
14 shall be impounded until further order of the court
15 upon good cause shown and the name of the
16 petitioner obliterated on the official index
17 required to be kept by the circuit court clerk
18 under Section 16 of the Clerks of Courts Act, but
19 the order shall not affect any index issued by the
20 circuit court clerk before the entry of the order;

21 (iii) the records shall be impounded by the
22 Department within 60 days of the date of service of
23 the order as ordered by the court, unless a motion
24 to vacate, modify, or reconsider the order is filed
25 pursuant to paragraph (12) of subsection (d) of
26 this Section;

1 (iv) records impounded by the Department may
2 be disseminated by the Department only as required
3 by law or to the arresting authority, the State's
4 Attorney, and the court upon a later arrest for the
5 same or a similar offense or for the purpose of
6 sentencing for any subsequent felony, and to the
7 Department of Corrections upon conviction for any
8 offense; and

9 (v) in response to an inquiry for such records
10 from anyone not authorized by law to access such
11 records, the court, the Department, or the agency
12 receiving such inquiry shall reply as it does in
13 response to inquiries when no records ever
14 existed.

15 (B-5) Upon entry of an order to expunge records
16 under subsection (e-6):

17 (i) the records shall be expunged (as defined
18 in subsection (a)(1)(E)) by the arresting agency
19 and any other agency as ordered by the court,
20 within 60 days of the date of service of the order,
21 unless a motion to vacate, modify, or reconsider
22 the order is filed under paragraph (12) of
23 subsection (d) of this Section;

24 (ii) the records of the circuit court clerk
25 shall be impounded until further order of the court
26 upon good cause shown and the name of the

1 petitioner obliterated on the official index
2 required to be kept by the circuit court clerk
3 under Section 16 of the Clerks of Courts Act, but
4 the order shall not affect any index issued by the
5 circuit court clerk before the entry of the order;

6 (iii) the records shall be impounded by the
7 Department within 60 days of the date of service of
8 the order as ordered by the court, unless a motion
9 to vacate, modify, or reconsider the order is filed
10 under paragraph (12) of subsection (d) of this
11 Section;

12 (iv) records impounded by the Department may
13 be disseminated by the Department only as required
14 by law or to the arresting authority, the State's
15 Attorney, and the court upon a later arrest for the
16 same or a similar offense or for the purpose of
17 sentencing for any subsequent felony, and to the
18 Department of Corrections upon conviction for any
19 offense; and

20 (v) in response to an inquiry for these records
21 from anyone not authorized by law to access the
22 records, the court, the Department, or the agency
23 receiving the inquiry shall reply as it does in
24 response to inquiries when no records ever
25 existed.

26 (C) Upon entry of an order to seal records under

1 subsection (c), the arresting agency, any other agency
2 as ordered by the court, the Department, and the court
3 shall seal the records (as defined in subsection
4 (a) (1) (K)). In response to an inquiry for such records
5 from anyone not authorized by law to access such
6 records, the court, the Department, or the agency
7 receiving such inquiry shall reply as it does in
8 response to inquiries when no records ever existed.

9 (D) The Department shall send written notice to the
10 petitioner of its compliance with each order to expunge
11 or seal records within 60 days of the date of service
12 of that order or, if a motion to vacate, modify, or
13 reconsider is filed, within 60 days of service of the
14 order resolving the motion, if that order requires the
15 Department to expunge or seal records. In the event of
16 an appeal from the circuit court order, the Department
17 shall send written notice to the petitioner of its
18 compliance with an Appellate Court or Supreme Court
19 judgment to expunge or seal records within 60 days of
20 the issuance of the court's mandate. The notice is not
21 required while any motion to vacate, modify, or
22 reconsider, or any appeal or petition for
23 discretionary appellate review, is pending.

24 (10) Fees. The Department may charge the petitioner a
25 fee equivalent to the cost of processing any order to
26 expunge or seal records. Notwithstanding any provision of

1 the Clerks of Courts Act to the contrary, the circuit court
2 clerk may charge a fee equivalent to the cost associated
3 with the sealing or expungement of records by the circuit
4 court clerk. From the total filing fee collected for the
5 petition to seal or expunge, the circuit court clerk shall
6 deposit \$10 into the Circuit Court Clerk Operation and
7 Administrative Fund, to be used to offset the costs
8 incurred by the circuit court clerk in performing the
9 additional duties required to serve the petition to seal or
10 expunge on all parties. The circuit court clerk shall
11 collect and forward the Department of State Police portion
12 of the fee to the Department and it shall be deposited in
13 the State Police Services Fund.

14 (11) Final Order. No court order issued under the
15 expungement or sealing provisions of this Section shall
16 become final for purposes of appeal until 30 days after
17 service of the order on the petitioner and all parties
18 entitled to notice of the petition.

19 (12) Motion to Vacate, Modify, or Reconsider. Under
20 Section 2-1203 of the Code of Civil Procedure, the
21 petitioner or any party entitled to notice may file a
22 motion to vacate, modify, or reconsider the order granting
23 or denying the petition to expunge or seal within 60 days
24 of service of the order. If filed more than 60 days after
25 service of the order, a petition to vacate, modify, or
26 reconsider shall comply with subsection (c) of Section

1 2-1401 of the Code of Civil Procedure. Upon filing of a
2 motion to vacate, modify, or reconsider, notice of the
3 motion shall be served upon the petitioner and all parties
4 entitled to notice of the petition.

5 (13) Effect of Order. An order granting a petition
6 under the expungement or sealing provisions of this Section
7 shall not be considered void because it fails to comply
8 with the provisions of this Section or because of any error
9 asserted in a motion to vacate, modify, or reconsider. The
10 circuit court retains jurisdiction to determine whether
11 the order is voidable and to vacate, modify, or reconsider
12 its terms based on a motion filed under paragraph (12) of
13 this subsection (d).

14 (14) Compliance with Order Granting Petition to Seal
15 Records. Unless a court has entered a stay of an order
16 granting a petition to seal, all parties entitled to notice
17 of the petition must fully comply with the terms of the
18 order within 60 days of service of the order even if a
19 party is seeking relief from the order through a motion
20 filed under paragraph (12) of this subsection (d) or is
21 appealing the order.

22 (15) Compliance with Order Granting Petition to
23 Expunge Records. While a party is seeking relief from the
24 order granting the petition to expunge through a motion
25 filed under paragraph (12) of this subsection (d) or is
26 appealing the order, and unless a court has entered a stay

1 of that order, the parties entitled to notice of the
2 petition must seal, but need not expunge, the records until
3 there is a final order on the motion for relief or, in the
4 case of an appeal, the issuance of that court's mandate.

5 (16) The changes to this subsection (d) made by Public
6 Act 98-163 ~~this amendatory Act of the 98th General Assembly~~
7 apply to all petitions pending on August 5, 2013 (the
8 effective date of Public Act 98-163) ~~this amendatory Act of~~
9 ~~the 98th General Assembly~~ and to all orders ruling on a
10 petition to expunge or seal on or after August 5, 2013 (the
11 effective date of Public Act 98-163) ~~this amendatory Act of~~
12 ~~the 98th General Assembly~~.

13 (e) Whenever a person who has been convicted of an offense
14 is granted a pardon by the Governor which specifically
15 authorizes expungement, he or she may, upon verified petition
16 to the Chief Judge of the circuit where the person had been
17 convicted, any judge of the circuit designated by the Chief
18 Judge, or in counties of less than 3,000,000 inhabitants, the
19 presiding trial judge at the defendant's trial, have a court
20 order entered expunging the record of arrest from the official
21 records of the arresting authority and order that the records
22 of the circuit court clerk and the Department be sealed until
23 further order of the court upon good cause shown or as
24 otherwise provided herein, and the name of the defendant
25 obliterated from the official index requested to be kept by the
26 circuit court clerk under Section 16 of the Clerks of Courts

1 Act in connection with the arrest and conviction for the
2 offense for which he or she had been pardoned but the order
3 shall not affect any index issued by the circuit court clerk
4 before the entry of the order. All records sealed by the
5 Department may be disseminated by the Department only to the
6 arresting authority, the State's Attorney, and the court upon a
7 later arrest for the same or similar offense or for the purpose
8 of sentencing for any subsequent felony. Upon conviction for
9 any subsequent offense, the Department of Corrections shall
10 have access to all sealed records of the Department pertaining
11 to that individual. Upon entry of the order of expungement, the
12 circuit court clerk shall promptly mail a copy of the order to
13 the person who was pardoned.

14 (e-5) Whenever a person who has been convicted of an
15 offense is granted a certificate of eligibility for sealing by
16 the Prisoner Review Board which specifically authorizes
17 sealing, he or she may, upon verified petition to the Chief
18 Judge of the circuit where the person had been convicted, any
19 judge of the circuit designated by the Chief Judge, or in
20 counties of less than 3,000,000 inhabitants, the presiding
21 trial judge at the petitioner's trial, have a court order
22 entered sealing the record of arrest from the official records
23 of the arresting authority and order that the records of the
24 circuit court clerk and the Department be sealed until further
25 order of the court upon good cause shown or as otherwise
26 provided herein, and the name of the petitioner obliterated

1 from the official index requested to be kept by the circuit
2 court clerk under Section 16 of the Clerks of Courts Act in
3 connection with the arrest and conviction for the offense for
4 which he or she had been granted the certificate but the order
5 shall not affect any index issued by the circuit court clerk
6 before the entry of the order. All records sealed by the
7 Department may be disseminated by the Department only as
8 required by this Act or to the arresting authority, a law
9 enforcement agency, the State's Attorney, and the court upon a
10 later arrest for the same or similar offense or for the purpose
11 of sentencing for any subsequent felony. Upon conviction for
12 any subsequent offense, the Department of Corrections shall
13 have access to all sealed records of the Department pertaining
14 to that individual. Upon entry of the order of sealing, the
15 circuit court clerk shall promptly mail a copy of the order to
16 the person who was granted the certificate of eligibility for
17 sealing.

18 (e-6) Whenever a person who has been convicted of an
19 offense is granted a certificate of eligibility for expungement
20 by the Prisoner Review Board which specifically authorizes
21 expungement, he or she may, upon verified petition to the Chief
22 Judge of the circuit where the person had been convicted, any
23 judge of the circuit designated by the Chief Judge, or in
24 counties of less than 3,000,000 inhabitants, the presiding
25 trial judge at the petitioner's trial, have a court order
26 entered expunging the record of arrest from the official

1 records of the arresting authority and order that the records
2 of the circuit court clerk and the Department be sealed until
3 further order of the court upon good cause shown or as
4 otherwise provided herein, and the name of the petitioner
5 obliterated from the official index requested to be kept by the
6 circuit court clerk under Section 16 of the Clerks of Courts
7 Act in connection with the arrest and conviction for the
8 offense for which he or she had been granted the certificate
9 but the order shall not affect any index issued by the circuit
10 court clerk before the entry of the order. All records sealed
11 by the Department may be disseminated by the Department only as
12 required by this Act or to the arresting authority, a law
13 enforcement agency, the State's Attorney, and the court upon a
14 later arrest for the same or similar offense or for the purpose
15 of sentencing for any subsequent felony. Upon conviction for
16 any subsequent offense, the Department of Corrections shall
17 have access to all expunged records of the Department
18 pertaining to that individual. Upon entry of the order of
19 expungement, the circuit court clerk shall promptly mail a copy
20 of the order to the person who was granted the certificate of
21 eligibility for expungement.

22 (f) Subject to available funding, the Illinois Department
23 of Corrections shall conduct a study of the impact of sealing,
24 especially on employment and recidivism rates, utilizing a
25 random sample of those who apply for the sealing of their
26 criminal records under Public Act 93-211. At the request of the

1 Illinois Department of Corrections, records of the Illinois
2 Department of Employment Security shall be utilized as
3 appropriate to assist in the study. The study shall not
4 disclose any data in a manner that would allow the
5 identification of any particular individual or employing unit.
6 The study shall be made available to the General Assembly no
7 later than September 1, 2010.

8 (Source: P.A. 97-443, eff. 8-19-11; 97-698, eff. 1-1-13;
9 97-1026, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.
10 1-1-13; 97-1118, eff. 1-1-13; 97-1120, eff. 1-1-13; 97-1150,
11 eff. 1-25-13; 98-133, eff. 1-1-14; 98-142, eff. 1-1-14; 98-163,
12 eff. 8-5-13; 98-164, eff. 1-1-14; 98-399, eff. 8-16-13; revised
13 9-4-13.)

14 Section 15. The Juvenile Court Act of 1987 is amended by
15 changing Sections 5-125 and 5-915 as follows:

16 (705 ILCS 405/5-125)

17 Sec. 5-125. Concurrent jurisdiction. Any minor alleged to
18 have violated a traffic, boating, or fish and game law, or a
19 municipal or county ordinance, may be prosecuted for the
20 violation and if found guilty punished under any statute or
21 ordinance relating to the violation, without reference to the
22 procedures set out in this Article, except that:

23 (1) any detention, must be in compliance with this
24 Article; and

1 (2) the confidentiality of records provisions in Part 9
2 of this Article shall apply to any law enforcement and
3 court records relating to prosecution of a minor under 18
4 years of age for a municipal or county ordinance violation.

5 For the purpose of this Section, "traffic violation" shall
6 include a violation of Section 9-3 of the Criminal Code of 1961
7 or the Criminal Code of 2012 relating to the offense of
8 reckless homicide, Section 11-501 of the Illinois Vehicle Code,
9 or any similar county or municipal ordinance.

10 (Source: P.A. 97-1150, eff. 1-25-13.)

11 (705 ILCS 405/5-915)

12 Sec. 5-915. Expungement of juvenile law enforcement and
13 court records.

14 (0.05) For purposes of this Section and Section 5-622:

15 "Expunge" means to physically destroy the records and
16 to obliterate the minor's name from any official index or
17 public record, or both. Nothing in this Act shall require
18 the physical destruction of the internal office records,
19 files, or databases maintained by a State's Attorney's
20 Office or other prosecutor.

21 "Law enforcement record" includes but is not limited to
22 records of arrest, station adjustments, fingerprints,
23 probation adjustments, the issuance of a notice to appear,
24 or any other records maintained by a law enforcement agency
25 relating to a minor suspected of committing an offense.

1 (1) Whenever any person has attained the age of 18 or
2 whenever all juvenile court proceedings relating to that person
3 have been terminated, whichever is later, the person may
4 petition the court to expunge law enforcement records relating
5 to incidents occurring before his or her 18th birthday or his
6 or her juvenile court records, or both, but only in the
7 following circumstances:

8 (a) the minor was arrested and no petition for
9 delinquency was filed with the clerk of the circuit court;
10 or

11 (b) the minor was charged with an offense and was found
12 not delinquent of that offense; or

13 (c) the minor was placed under supervision pursuant to
14 Section 5-615, and the order of supervision has since been
15 successfully terminated; or

16 (d) the minor was adjudicated for an offense which
17 would be a Class B misdemeanor, Class C misdemeanor, or a
18 petty or business offense if committed by an adult.

19 (1.5) Commencing 180 days after the effective date of this
20 amendatory Act of the 98th General Assembly, the Department of
21 State Police shall automatically expunge, on or before January
22 1 of each year, a person's law enforcement records relating to
23 incidents occurring before his or her 18th birthday in the
24 Department's possession or control and which contains the final
25 disposition which pertain to the person when arrested as a
26 minor if:

1 (a) the minor was arrested and no petition for
2 delinquency was filed with the clerk of the circuit court;
3 and

4 (b) since the date of the minor's most recent arrest,
5 at least 6 months have elapsed without an additional
6 arrest, filing of a petition for delinquency whether
7 related or not to a previous arrest, or filing of charges
8 not initiated by arrest.

9 The Department of State Police shall allow a person to use
10 the Access and Review process, established in the Department of
11 State Police, for verifying that his or her law enforcement
12 records relating to incidents occurring before his or her 18th
13 birthday eligible under this subsection have been expunged as
14 provided in this subsection.

15 A State's Attorney, prosecutor charged with the duty of
16 prosecuting a minor, or the arresting agency or agencies may
17 file an objection to the automatic expungement of the law
18 enforcement records pertaining to the person with the
19 Department of State Police. An objection must be filed at least
20 45 days prior to January 1. This subsection shall serve as
21 notice to State's Attorneys, prosecutors charged with the duty
22 of prosecuting a minor, and arresting agencies that annual
23 automatic expungement of records under this subsection shall
24 commence 180 days after the effective date of this amendatory
25 Act of the 98th General Assembly. The objection shall serve to
26 remove the records from qualification for automatic

1 expungement. The Department of State Police may not interpret
2 the objection legally or procedurally.

3 The Department of State Police shall provide by rule the
4 process for access, review, objection, and automatic
5 expungement. Through emergency rulemaking the Department of
6 State Police and the Cook County State's Attorney's office
7 shall work together to establish a mutually agreed upon data
8 source for purposes of confirming expungement eligibility
9 under this subsection.

10 (1.6) Commencing on the effective date of this amendatory
11 Act of the 98th General Assembly, a person whose law
12 enforcement records are not subject to subsection (1.5) of this
13 Section and who has attained the age of 18 years may use the
14 Access and Review process, established in the Department of
15 State Police, for verifying his or her law enforcement records
16 relating to incidents occurring before his or her 18th birthday
17 in the Department's possession or control which pertain to the
18 person when arrested as a minor, if the incident occurred no
19 earlier than 30 years before the effective date of this
20 amendatory Act of the 98th General Assembly. If the person
21 identifies a law enforcement record that meets the requirements
22 of this subsection, paragraphs (a) and (b) of subsection (1.5)
23 of this Section, and all juvenile court proceedings related to
24 the person have been terminated, the person may file a Request
25 for Expungement of Juvenile Law Enforcement Records, in the
26 form and manner prescribed by the Department of State Police,

1 with the Department and the Department shall consider
2 expungement of the record as otherwise provided for automatic
3 expungement under subsection (1.5) of this Section. The person
4 shall provide notice and a copy of the Request for Expungement
5 of Juvenile Law Enforcement Records to the arresting agency,
6 prosecutor charged with the prosecution of the minor, or the
7 State's Attorney of the county that prosecuted the minor. The
8 Department of State Police shall provide by rule the process
9 for access, review, and Request for Expungement of Juvenile Law
10 Enforcement Records. Through emergency rulemaking the
11 Department of State Police and the Cook County State's
12 Attorney's office shall work together to establish a mutually
13 agreed upon data source for purposes of confirming expungement
14 eligibility under this subsection.

15 (2) Any person may petition the court to expunge all law
16 enforcement records relating to any incidents occurring before
17 his or her 18th birthday which did not result in proceedings in
18 criminal court and all juvenile court records with respect to
19 any adjudications except those based upon first degree murder
20 and sex offenses which would be felonies if committed by an
21 adult, if the person for whom expungement is sought has had no
22 convictions for any crime since his or her 18th birthday and:

23 (a) has attained the age of 21 years; or

24 (b) 5 years have elapsed since all juvenile court
25 proceedings relating to him or her have been terminated or
26 his or her commitment to the Department of Juvenile Justice

1 pursuant to this Act has been terminated;
2 whichever is later of (a) or (b). Nothing in this Section 5-915
3 precludes a minor from obtaining expungement under Section
4 5-622.

5 (2.5) If a minor is arrested and no petition for
6 delinquency is filed with the clerk of the circuit court as
7 provided in paragraph (a) of subsection (1) at the time the
8 minor is released from custody, the youth officer, if
9 applicable, or other designated person from the arresting
10 agency, shall notify verbally and in writing to the minor or
11 the minor's parents or guardians that if the State's Attorney
12 does not file a petition for delinquency, the minor has a right
13 to petition to have his or her arrest record expunged when the
14 minor attains the age of 18 or when all juvenile court
15 proceedings relating to that minor have been terminated and
16 that unless a petition to expunge is filed, the minor shall
17 have an arrest record and shall provide the minor and the
18 minor's parents or guardians with an expungement information
19 packet, including a petition to expunge juvenile records
20 obtained from the clerk of the circuit court.

21 (2.6) If a minor is charged with an offense and is found
22 not delinquent of that offense; or if a minor is placed under
23 supervision under Section 5-615, and the order of supervision
24 is successfully terminated; or if a minor is adjudicated for an
25 offense that would be a Class B misdemeanor, a Class C
26 misdemeanor, or a business or petty offense if committed by an

1 adult; or if a minor has incidents occurring before his or her
2 18th birthday that have not resulted in proceedings in criminal
3 court, or resulted in proceedings in juvenile court, and the
4 adjudications were not based upon first degree murder or sex
5 offenses that would be felonies if committed by an adult; then
6 at the time of sentencing or dismissal of the case, the judge
7 shall inform the delinquent minor of his or her right to
8 petition for expungement as provided by law, and the clerk of
9 the circuit court shall provide an expungement information
10 packet to the delinquent minor, written in plain language,
11 including a petition for expungement, a sample of a completed
12 petition, expungement instructions that shall include
13 information informing the minor that (i) once the case is
14 expunged, it shall be treated as if it never occurred, (ii) he
15 or she may apply to have petition fees waived, (iii) once he or
16 she obtains an expungement, he or she may not be required to
17 disclose that he or she had a juvenile record, and (iv) he or
18 she may file the petition on his or her own or with the
19 assistance of an attorney. The failure of the judge to inform
20 the delinquent minor of his or her right to petition for
21 expungement as provided by law does not create a substantive
22 right, nor is that failure grounds for: (i) a reversal of an
23 adjudication of delinquency, (ii) a new trial; or (iii) an
24 appeal.

25 (2.7) For counties with a population over 3,000,000, the
26 clerk of the circuit court shall send a "Notification of a

1 Possible Right to Expungement" post card to the minor at the
 2 address last received by the clerk of the circuit court on the
 3 date that the minor attains the age of 18 based on the
 4 birthdate provided to the court by the minor or his or her
 5 guardian in cases under paragraphs (b), (c), and (d) of
 6 subsection (1); and when the minor attains the age of 21 based
 7 on the birthdate provided to the court by the minor or his or
 8 her guardian in cases under subsection (2).

9 (2.8) The petition for expungement for subsection (1) may
 10 include multiple offenses on the same petition and shall be
 11 substantially in the following form:

12 IN THE CIRCUIT COURT OF, ILLINOIS
 13 JUDICIAL CIRCUIT

14 IN THE INTEREST OF) NO.
 15)
 16)
 17)
 18 (Name of Petitioner)

19 PETITION TO EXPUNGE JUVENILE RECORDS
 20 (705 ILCS 405/5-915 (SUBSECTION 1))

21 ~~(Please prepare a separate petition for each offense)~~

22 Now comes, petitioner, and respectfully requests
 23 that this Honorable Court enter an order expunging all juvenile
 24 law enforcement and court records of petitioner and in support

1 thereof states that: Petitioner has attained the age of 18,
 2 his/her birth date being, or all Juvenile Court
 3 proceedings terminated as of, whichever occurred later.
 4 Petitioner was arrested on by the Police
 5 Department for the offense or offenses of, and:

6 (Check All That Apply One.)

7 () a. no petition or petitions were ~~was~~ filed with the Clerk
 8 of the Circuit Court.

9 () b. was charged with and was found not delinquent of
 10 the offense or offenses.

11 () c. a petition or petitions were ~~was~~ filed and the petition
 12 or petitions were ~~was~~ dismissed without a finding of
 13 delinquency on

14 () d. on placed under supervision pursuant to Section
 15 5-615 of the Juvenile Court Act of 1987 and such order of
 16 supervision successfully terminated on

17 () e. was adjudicated for the offense or offenses, which would
 18 have been a Class B misdemeanor, a Class C misdemeanor, or a
 19 petty offense or business offense if committed by an adult.

20 Petitioner has has not been arrested on charges in
 21 this or any county other than the charges listed above. If
 22 petitioner has been arrested on additional charges, please list
 23 the charges below:

24 Charge(s):

25 Arresting Agency or Agencies:

26 Disposition/Result: (choose from a. through e., above):

1 WHEREFORE, the petitioner respectfully requests this Honorable
 2 Court to (1) order all law enforcement agencies to expunge all
 3 records of petitioner to this incident or incidents, and (2) to
 4 order the Clerk of the Court to expunge all records concerning
 5 the petitioner regarding this incident or incidents.

6
 7 Petitioner (Signature)

8
 9 Petitioner's Street Address

10
 11 City, State, Zip Code

12
 13 Petitioner's Telephone Number

14 Pursuant to the penalties of perjury under the Code of Civil
 15 Procedure, 735 ILCS 5/1-109, I hereby certify that the
 16 statements in this petition are true and correct, or on
 17 information and belief I believe the same to be true.

18
 19 Petitioner (Signature)

20 The Petition for Expungement for subsection (2) shall be

1 substantially in the following form:

2 IN THE CIRCUIT COURT OF, ILLINOIS
3 JUDICIAL CIRCUIT

4 IN THE INTEREST OF) NO.
5)
6)
7)
8 (Name of Petitioner)

9 PETITION TO EXPUNGE JUVENILE RECORDS
10 (705 ILCS 405/5-915 (SUBSECTION 2))

11 (Please prepare a separate petition for each offense)

12 Now comes, petitioner, and respectfully requests
13 that this Honorable Court enter an order expunging all Juvenile
14 Law Enforcement and Court records of petitioner and in support
15 thereof states that:

16 The incident for which the Petitioner seeks expungement
17 occurred before the Petitioner's 18th birthday and did not
18 result in proceedings in criminal court and the Petitioner has
19 not had any convictions for any crime since his/her 18th
20 birthday; and

21 The incident for which the Petitioner seeks expungement
22 occurred before the Petitioner's 18th birthday and the
23 adjudication was not based upon first-degree murder or sex

1 offenses which would be felonies if committed by an adult, and
2 the Petitioner has not had any convictions for any crime since
3 his/her 18th birthday.

4 Petitioner was arrested on by the Police
5 Department for the offense of, and:

6 (Check whichever one occurred the latest:)

7 () a. The Petitioner has attained the age of 21 years, his/her
8 birthday being; or

9 () b. 5 years have elapsed since all juvenile court
10 proceedings relating to the Petitioner have been terminated; or
11 the Petitioner's commitment to the Department of Juvenile
12 Justice pursuant to the expungement of juvenile law enforcement
13 and court records provisions of the Juvenile Court Act of 1987
14 has been terminated. Petitioner ...has ...has not been arrested
15 on charges in this or any other county other than the charge
16 listed above. If petitioner has been arrested on additional
17 charges, please list the charges below:

18 Charge(s):

19 Arresting Agency or Agencies:

20 Disposition/Result: (choose from a or b, above):

21 WHEREFORE, the petitioner respectfully requests this Honorable
22 Court to (1) order all law enforcement agencies to expunge all
23 records of petitioner related to this incident, and (2) to
24 order the Clerk of the Court to expunge all records concerning
25 the petitioner regarding this incident.

1
.....

2 Petitioner (Signature)

3
.....

4 Petitioner's Street Address

5
.....

6 City, State, Zip Code

7
.....

8 Petitioner's Telephone Number

9 Pursuant to the penalties of perjury under the Code of Civil
10 Procedure, 735 ILCS 5/1-109, I hereby certify that the
11 statements in this petition are true and correct, or on
12 information and belief I believe the same to be true.

13
.....

14 Petitioner (Signature)

15 (3) The chief judge of the circuit in which an arrest was
16 made or a charge was brought or any judge of that circuit
17 designated by the chief judge may, upon verified petition of a
18 person who is the subject of an arrest or a juvenile court
19 proceeding under subsection (1) or (2) of this Section, order
20 the law enforcement records or official court file, or both, to
21 be expunged from the official records of the arresting
22 authority, the clerk of the circuit court and the Department of
23 State Police. The person whose records are to be expunged shall

1 petition the court using the appropriate form containing his or
2 her current address and shall promptly notify the clerk of the
3 circuit court of any change of address. Notice of the petition
4 shall be served upon the State's Attorney or prosecutor charged
5 with the duty of prosecuting the offense, the Department of
6 State Police, and the arresting agency or agencies by the clerk
7 of the circuit court. If an objection is filed within 45 days
8 of the notice of the petition, the clerk of the circuit court
9 shall set a date for hearing after the 45 day objection period.
10 At the hearing the court shall hear evidence on whether the
11 expungement should or should not be granted. Unless the State's
12 Attorney or prosecutor, the Department of State Police, or an
13 arresting agency objects to the expungement within 45 days of
14 the notice, the court may enter an order granting expungement.
15 The person whose records are to be expunged shall pay the clerk
16 of the circuit court a fee equivalent to the cost associated
17 with expungement of records by the clerk and the Department of
18 State Police. The clerk shall forward a certified copy of the
19 order to the Department of State Police, the appropriate
20 portion of the fee to the Department of State Police for
21 processing, and deliver a certified copy of the order to the
22 arresting agency.

23 (3.1) The Notice of Expungement shall be in substantially
24 the following form:

25 IN THE CIRCUIT COURT OF, ILLINOIS

26 JUDICIAL CIRCUIT

1 IN THE INTEREST OF) NO.
 2)
 3)
 4)
 5 (Name of Petitioner)

6 NOTICE

7 TO: State's Attorney

8 TO: Arresting Agency

9
10

11

12
13

14

15 TO: Illinois State Police

16
17

18
19

20 ATTENTION: Expungement

21 You are hereby notified that on, at, in courtroom
 22 ..., located at ..., before the Honorable ..., Judge, or any
 23 judge sitting in his/her stead, I shall then and there present
 24 a Petition to Expunge Juvenile records in the above-entitled

1 matter, at which time and place you may appear.

2

3 Petitioner's Signature

4

5 Petitioner's Street Address

6

7 City, State, Zip Code

8

9 Petitioner's Telephone Number

10 PROOF OF SERVICE

11 On the day of, 20..., I on oath state that I
12 served this notice and true and correct copies of the
13 above-checked documents by:

14 (Check One:)

15 delivering copies personally to each entity to whom they are
16 directed;

17 or

18 by mailing copies to each entity to whom they are directed by
19 depositing the same in the U.S. Mail, proper postage fully
20 prepaid, before the hour of 5:00 p.m., at the United States
21 Postal Depository located at

22

23

24 Signature

25 Clerk of the Circuit Court or Deputy Clerk

26 Printed Name of Delinquent Minor/Petitioner:

1 Address:

2 Telephone Number:

3 (3.2) The Order of Expungement shall be in substantially
4 the following form:

5 IN THE CIRCUIT COURT OF, ILLINOIS
6 JUDICIAL CIRCUIT

7 IN THE INTEREST OF) NO.
8)
9)
10)
11 (Name of Petitioner)

12 DOB

13 Arresting Agency/Agencies

14 ORDER OF EXPUNGEMENT
15 (705 ILCS 405/5-915 (SUBSECTION 3))

16 This matter having been heard on the petitioner's motion and
17 the court being fully advised in the premises does find that
18 the petitioner is indigent or has presented reasonable cause to
19 waive all costs in this matter, IT IS HEREBY ORDERED that:

20 () 1. Clerk of Court and Department of State Police costs
21 are hereby waived in this matter.

22 () 2. The Illinois State Police Bureau of Identification
23 and the following law enforcement agencies expunge all records
24 of petitioner relating to an arrest dated for the

1 offense of

2 Law Enforcement Agencies:

3

4

5 () 3. IT IS FURTHER ORDERED that the Clerk of the Circuit
6 Court expunge all records regarding the above-captioned case.

7 ENTER:

8

9 JUDGE

10 DATED:

11 Name:

12 Attorney for:

13 Address: City/State/Zip:

14 Attorney Number:

15 (3.3) The Notice of Objection shall be in substantially the
16 following form:

17 IN THE CIRCUIT COURT OF, ILLINOIS

18 JUDICIAL CIRCUIT

19 IN THE INTEREST OF) NO.

20)

21)

22)

23 (Name of Petitioner)

24

1 TO: (Attorney, Public Defender, Minor)

2

3

4 TO: (Illinois State Police)

5

6

7 TO: (Clerk of the Court)

8

9

10 TO: (Judge)

11

12

13 TO: (Arresting Agency/Agencies)

14

15

16 ATTENTION: You are hereby notified that an objection has been
17 filed by the following entity regarding the above-named minor's
18 petition for expungement of juvenile records:

19 () State's Attorney's Office;

20 () Prosecutor (other than State's Attorney's Office) charged
21 with the duty of prosecuting the offense sought to be expunged;

22 () Department of Illinois State Police; or

23 () Arresting Agency or Agencies.

24 The agency checked above respectfully requests that this case
25 be continued and set for hearing on whether the expungement
26 should or should not be granted.

1 DATED:

2 Name:

3 Attorney For:

4 Address:

5 City/State/Zip:

6 Telephone:

7 Attorney No.:

8 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

9 This matter has been set for hearing on the foregoing
10 objection, on in room, located at, before the
11 Honorable, Judge, or any judge sitting in his/her stead.

12 (Only one hearing shall be set, regardless of the number of
13 Notices of Objection received on the same case).

14 A copy of this completed Notice of Objection containing the
15 court date, time, and location, has been sent via regular U.S.
16 Mail to the following entities. (If more than one Notice of
17 Objection is received on the same case, each one must be
18 completed with the court date, time and location and mailed to
19 the following entities):

20 () Attorney, Public Defender or Minor;

21 () State's Attorney's Office;

22 () Prosecutor (other than State's Attorney's Office) charged
23 with the duty of prosecuting the offense sought to be expunged;

24 () Department of Illinois State Police; and

25 () Arresting agency or agencies.

26 Date:

1 Initials of Clerk completing this section:

2 (4) Upon entry of an order expunging records or files, the
3 offense, which the records or files concern shall be treated as
4 if it never occurred. Law enforcement officers and other public
5 offices and agencies shall properly reply on inquiry that no
6 record or file exists with respect to the person.

7 (5) Records which have not been expunged are sealed, and
8 may be obtained only under the provisions of Sections 5-901,
9 5-905 and 5-915.

10 (6) Nothing in this Section shall be construed to prohibit
11 the maintenance of information relating to an offense after
12 records or files concerning the offense have been expunged if
13 the information is kept in a manner that does not enable
14 identification of the offender. This information may only be
15 used for statistical and bona fide research purposes.

16 (6.5) The Department of State Police or any employee of the
17 Department shall be immune from civil or criminal liability for
18 failure to expunge any records of arrest that are subject to
19 expungement under subsection (1.5) or (1.6) of this Section
20 because of inability to verify a record or because an objection
21 to the expungement of the record has been filed by any
22 arresting agency, prosecutor charged with the prosecution of
23 the minor, or the State's Attorney of the county that
24 prosecuted the minor. Nothing in subsection (1.5) or (1.6) of
25 this Section shall create Department of State Police liability
26 or responsibility for the expungement of law enforcement

1 records it does not possess.

2 (7) (a) The State Appellate Defender shall establish,
3 maintain, and carry out, by December 31, 2004, a juvenile
4 expungement program to provide information and assistance to
5 minors eligible to have their juvenile records expunged.

6 (b) The State Appellate Defender shall develop brochures,
7 pamphlets, and other materials in printed form and through the
8 agency's World Wide Web site. The pamphlets and other materials
9 shall include at a minimum the following information:

10 (i) An explanation of the State's juvenile expungement
11 process;

12 (ii) The circumstances under which juvenile
13 expungement may occur;

14 (iii) The juvenile offenses that may be expunged;

15 (iv) The steps necessary to initiate and complete the
16 juvenile expungement process; and

17 (v) Directions on how to contact the State Appellate
18 Defender.

19 (c) The State Appellate Defender shall establish and
20 maintain a statewide toll-free telephone number that a person
21 may use to receive information or assistance concerning the
22 expungement of juvenile records. The State Appellate Defender
23 shall advertise the toll-free telephone number statewide. The
24 State Appellate Defender shall develop an expungement
25 information packet that may be sent to eligible persons seeking
26 expungement of their juvenile records, which may include, but

1 is not limited to, a pre-printed expungement petition with
2 instructions on how to complete the petition and a pamphlet
3 containing information that would assist individuals through
4 the juvenile expungement process.

5 (d) The State Appellate Defender shall compile a statewide
6 list of volunteer attorneys willing to assist eligible
7 individuals through the juvenile expungement process.

8 (e) This Section shall be implemented from funds
9 appropriated by the General Assembly to the State Appellate
10 Defender for this purpose. The State Appellate Defender shall
11 employ the necessary staff and adopt the necessary rules for
12 implementation of this Section.

13 (8) (a) Except with respect to law enforcement agencies, the
14 Department of Corrections, State's Attorneys, or other
15 prosecutors, an expunged juvenile record may not be considered
16 by any private or public entity in employment matters,
17 certification, licensing, revocation of certification or
18 licensure, or registration. Applications for employment must
19 contain specific language that states that the applicant is not
20 obligated to disclose expunged juvenile records of conviction
21 or arrest. Employers may not ask if an applicant has had a
22 juvenile record expunged. Effective January 1, 2005, the
23 Department of Labor shall develop a link on the Department's
24 website to inform employers that employers may not ask if an
25 applicant had a juvenile record expunged and that application
26 for employment must contain specific language that states that

1 the applicant is not obligated to disclose expunged juvenile
2 records of arrest or conviction.

3 (b) A person whose juvenile records have been expunged is
4 not entitled to remission of any fines, costs, or other money
5 paid as a consequence of expungement. This amendatory Act of
6 the 93rd General Assembly does not affect the right of the
7 victim of a crime to prosecute or defend a civil action for
8 damages.

9 (c) The expungement of juvenile records under Section 5-622
10 shall be funded by the additional fine imposed under Section
11 5-9-1.17 of the Unified Code of Corrections and additional
12 appropriations made by the General Assembly for such purpose.

13 (9) The changes made to this Section by Public Act 98-61
14 ~~this amendatory Act of the 98th General Assembly~~ apply to law
15 enforcement records of a minor who has been arrested or taken
16 into custody on or after January 1, 2014 (the effective date
17 of Public Act 98-61) ~~this amendatory Act.~~

18 (10) The changes made in subsection (1.5) of this Section
19 by this amendatory Act of the 98th General Assembly apply to
20 law enforcement records of a minor who has been arrested or
21 taken into custody on or after January 1, 2015. The changes
22 made in subsection (1.6) of this Section by this amendatory Act
23 of the 98th General Assembly apply to law enforcement records
24 of a minor who has been arrested or taken into custody before
25 January 1, 2015.

26 (Source: P.A. 98-61, eff. 1-1-14; revised 3-27-14.)".